

1 BRENT M. RESH
(Nevada Bar No. 14940)
2 BRENT RESH LAW, PLLC
2401 La Solana Way
3 Las Vegas, NV 89102
(702) 781-6903
4 brent@brentreshlaw.com

5 JESSICA L. BLOME
(Cal. Bar No. 314898, pro hac vice)
6 J. RAE LOVKO
(Cal. Bar No. 208855, pro hac vice)
7 GREENFIRE LAW, PC
2748 Adeline Street, Suite A
8 Berkeley, CA 94703
(510) 900-9502
9 jblome@greenfirelaw.com
10 rlovko@greenfirelaw.com
11

12 *Attorneys for Plaintiffs*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 LAURA LEIGH, individually, and WILD
16 HORSE EDUCATION, a non-profit
corporation,

17 *Plaintiffs,*

18
19 v.

20 INTERIOR BOARD OF LAND APPEALS,
UNITED STATES DEPARTMENT OF
21 INTERIOR, BUREAU OF LAND
MANAGEMENT, and KG MINING INC.,
22

23 *Defendants.*
24
25
26
27
28

Case No. 3:25-cv-00039-ART-CSD

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR JUDICIAL NOTICE**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Declaration of J. Rae Lovko, and exhibits attached thereto, together with all prior pleadings and proceedings had herein, Plaintiffs hereby move this Court and request that this Court take judicial notice of an excerpt from the Antelope and Triple B Complexes Gather Plan Final Environmental Assessment (2017); an excerpt from Bald Mountain Mine Plan of Operations Amendment Juniper Project Draft Environmental Impact Statement (2023); an excerpt from Bald Mountain Mine Plan of Operations Amendment Juniper Project Final Environmental Impact Statement (2024); an excerpt from Wild Horses and Burros Management Handbook, H-4700-1 (2010); and a BLM public announcement entitled “Bureau of Land Management to begin the FY2022 Triple B Complex Wild Horse Gather” (July 11, 2022). Plaintiffs also request judicial notice of various IBLA decisions and orders.

This Request for Judicial Notice is being filed concurrently with and in support of Plaintiffs’ Motion for Summary Judgment.

DATED: August 29, 2025,

Respectfully Submitted,

/s/ Jennifer Rae Lovko

Jessica L. Blome
(Cal. Bar No. 314898, pro hac vice)
Jennifer Rae Lovko
(Cal. Bar No. 208855, pro hac vice)
GREENFIRE LAW, PC
2748 Adeline Street, Suite A
Berkeley, CA 94703
(510) 900-9502
jblome@greenfirelaw.com
rlovko@greenfirelaw.com

/s/ Brent M. Resh

Brent M. Resh
(Nevada Bar No. 14940)
BRENT RESH LAW, PLLC
2401 La Solana Way
Las Vegas, NV 89102
(702) 781-6903
brent@brentreshlaw.com
Attorneys for Plaintiffs

MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiffs move this Court to take judicial notice of excerpts from the Antelope and Triple B Complexes Gather Plan Final Environmental Assessment (2017); Bald Mountain Mine Plan of Operations Amendment Juniper Project Draft Environmental Impact Statement (2023); Bald Mountain Mine Plan of Operations Amendment Juniper Project Final Environmental Impact Statement (2024); Wild Horses and Burros Management Handbook, H-4700-1 (2010); as well as a BLM public announcement entitled “Bureau of Land Management to begin the FY2022 Triple B Complex Wild Horse Gather” (July 11, 2022). The Court may take judicial notice of these because they are relevant in establishing the impact of the Jupiter Project on wild horses, which is a component of Plaintiffs’ standing before this Court and the IBLA.

This Court may take judicial notice of “a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(1)-(2). FRE 201 further provides that the Court “may take judicial notice on its own” and “must take judicial notice if a party requests it and the court is supplied with the necessary information.” *Id.* at 201(c)(1)-(2).

Documents which may be considered for judicial notice pursuant to Rule 201 include legislative history documents, federal register documents, and other government documents, including reports of government bodies and records found on government websites. *See Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988, 1001 (9th Cir. 2018); *Democratic Nat’l Comm. V. Reagan*, 329 F. Supp. 3d 824, 855 n.12 (D. Ariz. 2018); *Longo v. Seminole Indian Casino-Immokalee*, 813 F.3d 1348, 1349 n.2 (11th Cir. 2016); *Beaver v. Tarsadia Hotels*, 29 F. Supp. 3d 1294, 1320 (S.D. Cal. 2014); *FAS Capital, LLC v. Carr*, 7 F. Supp. 3d 1259, 1266 (N.D. Ga. 2014); *Experian Info. Sols., Inc.*, 633 F. Supp. 2d 1104, 1107 (C.D. Cal. 2009).

A. Excerpt from Antelope and Triple B Complexes Gather Plan (2017)

This document is a public document promulgated by the Bureau of Land Management (BLM) and downloaded from their website. As such, it is the type of document for which judicial

1 notice is appropriate. The document identifies the Herd Management Areas (HMAs) and Wild
2 Horse Territory (WHT) located in the Triple B Complex, which is relevant to understanding the
3 scope of the impacted area of the Jupiter Project. It also corroborates statements made by Laura
4 Leigh in paragraphs 13, 25, and 37 of her declaration filed in support of Plaintiffs' Motion for
5 Summary Judgment, which motion addresses Plaintiffs' standing before this Court and the
6 IBLA.

7 **B. Excerpt from Bald Mountain Mine Plan of Operations Amendment Juniper**
8 **Project Draft Environmental Impact Statement (2023)**

9 This document is a public document promulgated by BLM and downloaded from their
10 website. As such, it is the type of document for which judicial notice is appropriate. The
11 document identifies the maximum cumulative effect study area and wild horse cumulative effect
12 study area defined by BLM for its analysis of the Jupiter Project, which is relevant to
13 understanding the scope of the impacted area of the Jupiter Project. It also corroborates
14 statements made by Laura Leigh in paragraphs 14-16 and 27 of her declaration filed in support of
15 Plaintiffs' Motion for Summary Judgment, which motion addresses Plaintiffs' standing before
16 this Court and the IBLA. In its order dismissing the appeal of Laura Leigh, Tammi Adams, and
17 Wild Horse Education, the IBLA referenced BLM's cumulative effect analysis in the Draft
18 Environmental Impact Statement.

19 **C. Excerpt from Bald Mountain Mine Plan of Operations Amendment Juniper**
20 **Project Final Environmental Impact Statement (2024)**

21 This document is a public document promulgated by BLM and downloaded from their
22 website. As such, it is the type of document for which judicial notice is appropriate. The
23 document states that the estimated cumulative surface disturbance in the Triple B HMA from by
24 past, present, and future actions is 104,167 acres, which is relevant to understanding the scope of
25 the impacted area of the Jupiter Project. It also corroborates statements made by Laura Leigh in
26 paragraphs 30 and 32 of her declaration filed in support of Plaintiffs' Motion for Summary
27 Judgment, which motion addresses Plaintiffs' standing before this Court and the IBLA.
28

D. Excerpt from BLM's Wild Horses and Burros Management Handbook, H-4700-1 (2010)

This document is a public document promulgated by BLM and downloaded from their website. As such, it is the type of document for which judicial notice is appropriate. The document defines appropriate management level (AML) and Animal Unit Month (AUM), which is relevant to understanding the impact of the Jupiter Project's removal of approximately 4,000 acres from the Triple B Complex. It also corroborates statements made by Laura Leigh in paragraphs 34-35 of her declaration filed in support of Plaintiffs' Motion for Summary Judgment, which motion addresses Plaintiffs' standing before this Court and the IBLA.

E. Bureau of Land Management to begin the FY2022 Triple B Complex Wild Horse Gather (July 11, 2022)

This document is a public document promulgated by BLM and downloaded from their website. As such, it is the type of document for which judicial notice is appropriate. The document is a public announcement for gather operations in the Triple B Complex and is relevant to show the scope of the impacted area of the Jupiter Project. It also corroborates statements made by Laura Leigh in paragraph 23 of her declaration filed in support of Plaintiffs' Motion for Summary Judgment, which motion addresses Plaintiffs' standing before this Court and the IBLA.

F. IBLA Decisions and Orders

The following decisions and orders of the IBLA were downloaded from the U.S. Department of Interior's website or LEXIS:

The Mandan, Hidatsa & Arikara Nation, 196 IBLA 309 (2021);

Ctr. for Biological Diversity, 195 IBLA 298 (2020);

Williams Field Services Company, 193 IBLA 11 (2018);

Petroleum Fuels Offshore, LLC, 189 IBLA 213 (2017);

W. Watersheds Project, 185 IBLA 293 (2016);

Cascadia Wildlands, 188 IBLA 7 (2016);

1 *Coalition of Concerned National Park Retirees*, 165 IBLA 79 (2005);
2 *Wyoming Outdoor Council, et al.*, 164 IBLA 84 (2004):
3 *Becharof Corp.*, 147 IBLA 117 (1998);
4 *Robert M. Sayre*, 131 IBLA 337 (1994);
5 *Frank Stebly*, 109 IBLA 242 (1989);
6 *Oregon Natural Resources Council*, 78 IBLA 124 (1983);
7 *In re Pacific Coast Molybdenum*, 68 IBLA 325 (1982);
8 Order in *Frank Campbell*, 2018-0072 (2019);
9 Order in *Elyse R. Gardner Walsh, Laura Leigh & Wild Horse Education*
10 (2018).

11
12 The decisions and orders are relevant as they are cited by Plaintiffs in their Motion for Summary
13 Judgment and/or the IBLA order that is challenged in Plaintiffs' Motion for Summary Judgment.

14 For these reasons, Plaintiffs respectfully request this Court to take judicial notice of the
15 documents.

16
17
18 //

19
20 //

21
22 //

23
24 //

1 DATED: August 29, 2025,

Respectfully Submitted,

2 /s/ Jennifer Rae Lovko

3 Jessica L. Blome

(Cal. Bar No. 314898, pro hac vice)

4 Jennifer Rae Lovko

(Cal. Bar No. 208855, pro hac vice)

5 GREENFIRE LAW, PC

2748 Adeline Street, Suite A

6 Berkeley, CA 94703

7 (510) 900-9502

jblome@greenfirelaw.com

8 rlovko@greenfirelaw.com

9 /s/ Brent M. Resh

10 Brent M. Resh

(Nevada Bar No. 14940)

11 BRENT RESH LAW, PLLC

2401 La Solana Way

12 Las Vegas, NV 89102

13 (702) 781-6903

brent@brentreshlaw.com

14 *Attorneys for Plaintiffs*